
From: Stephan Grozinger
Sent: Tuesday, February 28, 2012 4:39 PM
To: Sen. Boucher, Toni; Sen. McKinney, John
Cc: 'John Shaban'
Subject: Senate Bill 263
Senators Boucher and McKinney:

I understand the Planning & Development Committee has scheduled a public hearing on Friday, March 2nd on Senate Bill 263.

Senate Bill 263 reads as follows: (c) Any zoning enforcement officer who issues a citation pursuant to an ordinance adopted under this section shall be liable for damages and reasonable attorney's fees in any civil action if the court finds that such citation was issued maliciously or wantonly. Each municipality shall, in accordance with section 7-101a, protect and save harmless any zoning enforcement officer of such municipality from financial loss and expense arising out of such civil action.

The text of Sec. 7-101a is reproduced below. Please note that the proposed bill is internally inconsistent. It states that a municipality must indemnify the ZEO from losses associated with his malicious and wanton acts, "in accordance with section 7-101a", while section 7-101a states that the ZEO must reimburse the municipality if he or she is found to have acted maliciously, wantonly or willfully. I suspect the drafters meant to say the ZEO must be indemnified notwithstanding the provisions of section 7-101a.

Sec. 7-101a. Protection of municipal officers and municipal employees from damage suits. Reimbursement of defense expenses. Liability insurance. Time limit for filing notice and commencement of action. (a) Each municipality shall protect and save harmless any municipal officer, whether elected or appointed, of any board, committee, council, agency or commission, including any member of a local emergency planning committee appointed from such municipality pursuant to section 22a-601, or any municipal employee, of such municipality from financial loss and expense, including legal fees and costs, if any, arising out of any claim, demand, suit or judgment by reason of alleged negligence, or for alleged infringement of any person's civil rights, on the part of such officer or such employee while acting in the discharge of his duties.

(b) In addition to the protection provided under subsection (a) of this section, each municipality shall protect and save harmless any such municipal officer or municipal employee from financial loss and expense, including legal fees and costs, if any, arising out of any claim, demand or suit instituted against such officer or employee by reason of alleged malicious, wanton or wilful act or ultra vires act, on the part of such officer or employee while acting in the discharge of his duties. In the event such officer or employee has a judgment entered against him for a malicious, wanton or wilful act in a court of law, such municipality shall be reimbursed by such officer or employee for expenses it incurred in providing such defense and shall not be held liable to such officer and employee for any financial loss or expense resulting from such act.

(c) Each such municipality may insure against the liability imposed by this section in

any insurance company organized in this state or in any insurance company of another state authorized to write such insurance in this state or may elect to act as self-insurer of such liability.

(d) No action shall be maintained under this section against such municipality or employee unless such action is commenced within two years after the cause of action therefor arose nor unless written notice of the intention to commence such action and of the time when and the place where the damages were incurred or sustained has been filed with the clerk of such municipality within six months after such cause of action has accrued.

(e) For the purposes of this section "municipality" means any town, city, borough, consolidated town and city, consolidated town and borough, district, district department of health, or authority established by the general statutes, a special act or local law, ordinance or charter or any public agency.

Thanks for your time.

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